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Arizona Corporation Commission

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[Signature]

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 AUG 18 P 12: 36

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

In the matter of:

DOCKET NO. S-20673A-09-0198

THOMAS S. BLACKWELL (CRD # 4370822)
and KIMBERLY BLACKWELL, husband and
wife,

TEAM HEAT, LLC, a terminated Arizona
limited liability company,

Respondents.

FOURTH
PROCEDURAL ORDER

BY THE COMMISSION:

On April 24, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Team Heat, L.L.C. ("THL") and Thomas S. Blackwell and Kimberly Blackwell, husband and wife, (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts.

The Respondents were duly served with a copy of the Notice.

On May 20, 2009, a request for hearing was filed by the Blackwell Respondents.

On May 21, 2009, by Procedural Order, a pre-hearing conference was scheduled on June 29, 2009.

On June 15, 2009, counsel for Respondents filed a Motion for a Continuance of the pre-hearing conference due to a conflict with a previously scheduled matter in Coconino County.

On June 16, 2009, by Procedural Order, the proceeding was continued to July 23, 2009.

On July 23, 2009, the Division appeared with counsel and counsel for Respondent failed to appear. It was subsequently learned that Respondents' counsel had not received notice of the continuance due to an error in address of Respondents' counsel.

1 On August 17, 2009, during a teleconference between counsel for the respective parties,
2 Respondents' counsel requested a brief continuance because Mr. Blackwell has moved out of
3 Arizona, and his attorney has been unable to reach him to discuss a possible resolution of the
4 proceeding or whether to withdraw his clients' request for a hearing or whether to proceed with the
5 scheduling of a hearing on the issues raised in the Notice. Respondents' counsel was directed to
6 make a filing in the form of a withdrawal of their request for hearing if his clients do not wish to
7 proceed further to contest the proceeding or to enter into a settlement to resolve the issues, or in the
8 alternative, to file an Answer in the proceeding by September 2, 2009, if the matter is to go forward
9 with a hearing.

10 Accordingly, the pre-hearing conference should be continued.

11 IT IS THEREFORE ORDERED that the **pre-hearing conference** scheduled on
12 August 18, 2009, shall be **continued to September 2, 2009, at 9:30 a.m.**, at the Commission's
13 offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

14 IT IS FURTHER ORDERED that the **Respondents shall file an Answer** no later than
15 **September 2, 2009**, if either the matter is not settled or the Respondents wish to withdraw their
16 request for a hearing.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
19 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
20 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
21 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
22 Administrative Law Judge or the Commission.

23 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
24 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
25 *pro hac vice*.

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 18TH day of August, 2009.

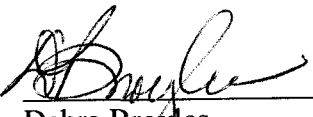
5
6
7 
8 MARC E. STERN
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 18th day of August, 2009 to:

12 Kevin Jensen
13 LAW OFFICES OF KEVIN JENSEN, PLLC
14 3740 East Southern Avenue, Suite 210
15 Mesa, Arizona 85206
16 Attorneys for Respondents

17 Matt Neubert, Director
18 Securities Division
19 ARIZONA CORPORATION COMMISSION
20 1300 West Washington Street
21 Phoenix, Arizona 85007

22 ARIZONA REPORTING SERVICE, INC.
23 2200 North Central Avenue, Suite 502
24 Phoenix, Arizona 85004-1481

25 By: 
26 Debra Broyles
27 Secretary to Marc E. Stern
28